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IFW

PTO/SB/21 (08-03)

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/603117	
	Filing Date	06/24/2003	
	First Named Inventor	Nathan Pyles	
	Art Unit	3764	
	Examiner Name	Tam M Nguyen	
Total Number of Pages in This Submission	7	Attorney Docket Number	JHT-001USP

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	See in Remarks section below
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Remarks The following documents are enclosed: 1. Request for correction of mislabelled specification/abstract/claims/drawings; and 2. Copy of Request for Corrected Patent Application Publication pursuant to 37 CFR 1.221(b) with attached copy of fax report confirming filing by fax on 18 June 2004; and, copy of Status Request regarding same; 3. Return receipt postcard.	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or Individual name	Patricia Smith King	
Signature	<i>Patricia Smith King</i>	
Date	07 SEP 2004	

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This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Practitioner's Docket No. JHT-001USP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pyles, Nathan; Nelson, Derek; Lo, Kung-Chuan; and Wang, Chih-Jen
Application No.: 10/603,117 Group No.: 3764
Filed: 06/24/2003 Examiner: Tam M. Nguyen
For: Dual-function treading exerciser

Mail Stop Patent Application
ATTN: Tech Center 3700
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTION OF MISLABELLED "SPECIFICATION" AND
RELATED "ABSTRACT," "CLAIMS" AND "DRAWINGS"

Applicant requests that an error made by the U.S. Patent & Trademark Office (USPTO) in the above-referenced case be corrected.

1. **The error:** The USPTO has mistakenly labeled as "Specification" a document filed in this case on 13 JAN 2004 which is NOT the specification. Likewise, the USPTO has mistakenly labeled its parts, "Abstract", "Claims", and "Drawings."
 - a. Referring to the PAIR image file wrapper (IFW) for this case, one sees that a *priority document* (i.e., an English translation of Taiwanese application no. 0912007866, filed 2002 May 29 TAIWAN), submitted by Applicant on 1/13/2004, was mistakenly labeled as "Specification" (see IFW file "Specification_01_13_2004_pp1_14.PDF", and related parts

CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10*

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Date: 9/7/2004

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(type or print name of person certifying)

- “Abstract_01_13_2004_pp1_2.PDF”, “Claim_01_13_2004_pp1_4.PDF” and “Drawings_01_13_2004_pp1_7.PDF”).
- b. The English translation of TAIWAN application 0912007866 is clearly labeled such at the top of its first page, a copy of which follows:

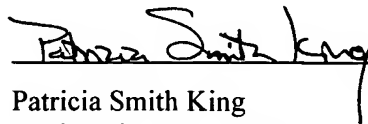
“ENGLISH TRANSLATION

Application No. 091207866, Filed 29 MAY 2002 (Taiwan), First Inventor: Kun-Chuan Lo”

2. **The TRUE Specification** in this case was filed on 2003 June 24, and is listed *correctly* in the IFW as the Specification, Abstract, Claims and Drawings on that date [i.e., files “Specification_06_24_2003_pp1_14.PDF” with related parts: Abstract_06_24_2003_pp1_1.PDF”, “Claim_06_24_2003_pp1_12.PDF”, and “Drawings_06_24_2003_pp1_14.PDF”].
3. **The error has caused the wrong document to be published.** The listing of two separate documents as “specifications” (one correct, one false) has already caused a grave error in this case. The Taiwanese priority document was incorrectly published as though it was the specification in this case (i.e., the TAIWAN priority document mistakenly labeled “Specification_01_13_2004_pp1_14.PDF”). Publication number US-2004-0102292-A1, published on 5/27/2004 is NOT the application in this case, it is instead the priority document TAIWAN Applic. No. 091207866, filed 29 May 2002.
- a. **Applicant requested a correction of the publication on 18 June 2004 (via fax; copy enclosed).** To date, however, no correction has been made. A Status Inquiry was sent via certified mail on 8/24/2004 (copy enclosed).
4. **Correction.** To correct the above-referenced errors, the file “Specification_01_13_2004_pp1_14.PDF” should be renamed to indicate that it is a priority document, NOT the specification in this case. Likewise, the similarly mislabeled “Abstract_01_13_2004_pp1_2.PDF”, “Claim_01_13_2004_pp1_4.PDF” and “Drawings_01_13_2004_pp1_7.PDF”, should be deleted as they are (or should be) a part of the scanned priority document TAIWAN application no. 091207866, filed 29 May 2002.

As is evident from the above, a serious mistake has been made by the USPTO which requires correction promptly in order to avoid further errors in this case. There is (and can be) only one Specification in this case, and that was properly filed on 24 June 2003. Applicant respectfully requests that the mistakes made in labeling the documents be corrected (as suggested at 4 above).

Date: 9/7/2004



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Practitioner's Docket No. JHT-001USP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pyles, Nathan; Nelson, Derek; Lo, Kung-Chuan; and Wang, Chih-Jen
Application No.: 10/603,117 Group No.: 3764
Filed: 06/24/2003 Examiner:
For: Dual-function treading exerciser
Publication No.: US 2004/0102292 Publication Date: 27 MAY 2004

COPY

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION
PURSUANT TO 37 CFR 1.221(b)

Dear Sir,

1. Request filed within two months. The patent application publication date is 27 May 2004. This Request is being filed via facsimile transmission on 18 June 2004, well within the two month allowed time period.
2. Office's Material Mistake. Applicant has discovered that *a wholly different document has been published as the above-referenced patent application.* If you will check the file for patent application 10/603,117, you will discover that, instead of publishing the application, another

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on 18 JUNE 2004
Date

Patricia Smith King
Signature

Patricia Smith King
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document was published instead. The document that was published is the English Translation of a priority document furnished in this case: Application No. 091207866, Filed 29 MAY 2002 (Taiwan), First Inventor: Kun-Chuan Lo. This Taiwanese application is listed in the PAIR system for the present application in its January 2004 entry as "Specification," which it is clearly not (a viewing of its files shows it marked clearly as the English Translation). This may have lead to the Office's mistake.

3. Request. Please correct this grave mistake in Patent Application Publication No. US 2004/0102292 A1, as soon as possible *by publishing the correct document, i.e., patent application 10/603,117* (entry in the PAIR system file in June, 2003, as "Specification").

Date:

6/18/2004

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HP Fax Series 1020



Last Transaction Report
Name : PATRICIA SMITH KING
Fax Number : 6082313918
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Jun 18 2004	03:21:07pm	Sent	17033058568	00:01:15	02	Ok



Practitioner's Docket No. JHT-001USP

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Pyles, Nathan; Nelson, Derek; Lo, Kung-Chuan; and Wang, Chih-Jen
Application No.: 10/603,117
Filed: 06/24/2003
For: Dual-function treading exerciser

Group No.: 3764
Examiner: Tam M. Nguyen

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Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATUS REQUEST RE:
REQUEST FOR CORRECTED PATENT APPLICATION PUBLICATION
PURSUANT TO 37 CFR 1.221(b) FILED 18 JUNE 2004

1. Information is requested as to the status of the correction of the publication of the above-identified application number 10/058,002, filed on January 29, 2002. The published document, US US-2004-0102292-A1 published on 5/27/2004, was an English translation of a priority document and NOT THE APPLICATION IN THIS CASE FILED ON 6/24/2003.
2. A Request for Corrected Patent Application Publication Pursuant to 37 CFR 1.221(b) ("Request") was filed via fax over two months ago on 6/18/2004. In addition, no indication of Applicant's Request being filed is present at the PAIR site.
3. A copy of the Request is attached along with a fax report showing transmittal on 6/18/2004. In addition, Applicant gained confirmation that the fax was received by the USPTO from

CERTIFICATION UNDER 37 C.F.R. sections 1.8(a) and 1.10*
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37 C.F.R. section 1.8(a)

37 C.F.R. section 1.10*



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Date: 8/24/2004

Patricia Smith King
Signature

PATRICIA SMITH KING
(type or print name of person certifying)

Mr. Shelby Pittman of Pre-grant Publications by phone call to Applicant's attorney on 6/24/2004.

4. Please notify Applicant of the status of the correction of the published application in this case. In addition, please notify Applicant of correction of the mislabeling of the English translation of priority document KR-091207866 as "specification" in this case.

5. Status: _____

Date: 8/24/2004

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